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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,111	08/28/2001	Richard Mazursky	205492-0008	5876

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT PAPER NUMBER

2875

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,111

Applicant(s)

MAZURSKY ET AL.

Examiner

Hargobind S Sawhney

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8, 14-16, 18, 22 and 24 is/are rejected.
- 7) ☐ Claim(s) 1-4, 9-13, 17, 19-21, 23 and 25-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The preliminary amendment filed on July 22, 2002 has been entered, and accordingly claims 1 and 2 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 10-13, 17, 19, 23, 25, 26 and 28, are rejected under 35 U.S.C. 102(e) as being anticipated by Chun-Ying (Patent No. 5,964,519).

Regarding claim 1-4, 10-13, 17, 19, 23, 25, 26 and 28, Chun-Ying (Patent No. 5,964,519) discloses an apparatus for emitting light, sound and fragrance (Figures 2 and 3) comprising:

- a housing –base bearing a post 11- (Figures 2 and 3), a lighting system 5 (Figures 2 and 3, column 2, line 6), a sound system 2 (Figures 2 and 3, column 2, line 6), and a fragrance system 4 (Figures 2 and 3, column 2, line 6) each positioned in the housing;

- a means 13 (Figures 2 and 3, column 2, line 9) energizing the lighting system 5, a sound system 2 and the fragrance system 4;
- the lighting system 5 including a light source with a holder 51 (Figures 2 and 3, column 2, lines 37-39), and functioning as a backlight;
- the light source with a holder 51 (Figures 2 and 3, column 2, lines 37-39) being an incandescent bulb.
- the sound system 2 including a circuit board 3 (Figures 2 and 3, column 2, line 6), , and inherently comprising a sound chip and an amplifier a speaker Column 2, lines 16-20);
- the sound chip included in the music system 2, and being permanently mounted on the circuit board 3 (Figures 2 and 3);
- the fragrance system 4 means for containing— container filled with fluid 41 (Figures 2 and 3, column 2, lines 32-36), and dispensing means 151 (Figures 2 and 3, column 2, lines 13-15);
- the fragrance dispensing means 151 including the light source with a holder 51 (Figures 2 and 3, column 2, lines 37-39) vaporizing the fragrance (Figures 2 and 3, column 2, lines 32-42);
- the lighting system 5, a sound system 2 and the fragrance system 4 being activated simultaneously by the electric power (Figures 2 and 3, column 3, lines 4-8)
- the energizing means 13 include an electrical switch (Figures 2 and 3, column 2, line 9);

- the energizing means 13 selectively operating each system independently (Figures 2 and 3, column 3, lines 4-9 and 16-20);
- a control circuit 3 (Figures 2 and 3, column 2, lines 12 and 13);
- a timing mechanism- the switch 13- allowing actuation of either one or combination of light, sound and fragrance systems Figures 2 and 3, column 2, lines 11-13 and 50-54); and
- the housing -base bearing a post 11- (Figures 2 and 3) including perforations 14 and 151 permitting light flow and fragrance mist (Figures 1-3, column 2, lines 11,14,48,49 and 58).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chun-Ying (Patent No. 5,964,519).

Regarding Claim 9, Chun-Ying (Patent No. 5,964,519) teaches an apparatus for emitting light, sound and fragrance (Figures 2 and 3) including a light source with a

holder 51 (Figures 2 and 3, column 2, lines 37-39. However, Chun-Ying does not teach the light source being a strobe light.

It would have been an obvious matter of design choice to replace the light source included in the apparatus disclosed by Chun-ying with a strobe light well known in the art. Since the applicant has not disclosed that the strobe light solves any problem or is for a particular reason, it appears that the claimed invention would perform equally well with a strobe light.

Regarding Claim 27, Chun-Ying (Patent No. 5,964,519) discloses an apparatus for emitting light, sound and fragrance (Figures 2 and 3). Additionally, Chun-Ying discloses a switch 13 connected to the timer circuit 3 (Figures 1-3) controlling each of the systems. However, Chun-Ying does not teach relative positioning of the apparatuses in a multi-room house.

It would have been an obvious matter of design choice to adjust the operating parameters of each of a plurality of devices, and positioning each one in different locations. Since, the applicant has not disclosed that a particular arrangement of a plurality of devices of a similar design solves any problem or is for a particular reason, it appears that the claimed invention would perform equally well with any type of arrangement of the devices.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chun-Ying (Patent No. 5,964,519) in view of Sutton (Patent No. 5,517,264).

Chun-Ying (Patent No. 5,964,519) discloses an apparatus for emitting light, sound and fragrance (Figures 2 and 3) inherently equipped with a conventional

electrical power plug (not shown). Further Chun-Ying does not teach that the plug is rotatable for accommodating a horizontal or vertical electrical outlet.

On the other hand, Sutton discloses a projector night-light 101 (Figures 5 and 6) comprising a rotatable electrical plug 501 (Figures 5 and 6, column 4, lines 51-54).

It would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the apparatus of Chun-Ying by providing the rotatable electrical plug as taught by Sutton for the benefits and advantages of having flexibility of orienting the device without stressing the power cables and the electrical outlet.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chun-Ying (Patent No. 5,964,519) in view of Yoshida et al. (Patent No. 5,982,414).

Chun-Ying (Patent No. 5,964,519) discloses an apparatus for emitting light, sound and fragrance (Figures 2 and 3) being actuated with a local turning switch. However, Further Chun-Ying does not teach the apparatus comprising a remotely actuating device.

On the other hand, Yoshida et al. (Patent No. 5,982,414) discloses a bi-directional signal distributing system for a system furnishing luminance, audio and fragrance for human relaxation (abstract, column 1, lines 35-42). Yoshida further teaches a bi-directional remote actuating system (claims 6,8 and 9).

It would have been obvious to one having ordinary skill in the art at the time of invention was made to modify the apparatus of Chun-Ying by providing the remote actuating system as taught by Yoshida for the benefits and advantages of operational facility and comfort of the patient or user.

Allowable Subject Matter

8. Claims 5-8,14-16,18,22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Chun-Ying (U.S. Patent No. 5,964,519) and McCall, Jr. (U.S. Patent No. 6,000,658), fails to show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose proper motivation for combining at least a safe light emitting diode lamp comprising:

- an interchangeable face plate attached to the housing of the device as recited in Claim 5;
- the fragrance system comprising a combination of a receptacle with neck, a wick, the wick contacting the fragrance fluid, the wick absorbing the worm fragrance fluid, and emitting to the atmosphere as recited in Claim 14;
- optical sensor detecting movement or change in light intensity as recited in Claim 22
- a rheostat included in the housing, and adjusting light sound and fragrance systems as recited in Claim 24; and
- the sound chip included in the music system circuit board 3 being interchangeable cartridge as recited in Claim 18.

Claims 6-8 are necessarily objected because of their dependency on the objected base Claim 5.

Claims 15 and 16 are necessarily objected because of their dependency on the objected base Claim 14.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moses (US Patent 5,387,178) discloses a multi-stimuli device comprising a lighting system, a sound system and a fragrance system.

Muderlak (US Patent 5,111,477) and Glucksman (U.S. Patent No. 4,804,821) each discloses a fragrance system comprising some of the features disclosed by the applicant.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 703-306-5909. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-83037724 for regular communications and 703-308-8303 for After Final communications.

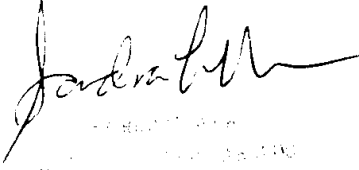
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2956.

HSS

9/25/2002



Sandra L. M.
Receptionist
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